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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,543	10/13/2000	Masayuki Ohbayashi	7217/62641	8898
7590	12/01/2004		EXAMINER	
Jay H Maioli Cooper & Dunham LLP 1185 Avenue of the Americas New York, NY 10036			LEMMMA, SAMSON B	
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/687,543

Applicant(s)

OHBAYASHI, MASAYUKI

Examiner

Samson B Lemma

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 October 0200 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. Claims 1-21 have been examined.

Preliminary Amendment

2. The preliminary amendment, submitted and requested for consideration by the applicant for the claims in particular for claim (5) is acknowledged. The office action has been written after the submitted preliminary amendment is taken in to consideration.

Specification

3. The disclosure is objected to because of the following informalities:

- On page 45, line 20, "The inverse mapping ($b = f^{-1}(a)$) of the parameter a and the parameter a are in one-to-one correspondence", should be corrected as , "The inverse mapping ($b = f^{-1}(a)$) of the parameter a and the parameter b are in one-to-one correspondence"

Drawings

4. The drawing is objected to because of the following informalities.
 - Figure 2, ref. Num "15", which is refereeing to "IEC958 ENCODER" should be corrected as "ref. Num "18". (It is indicated on disclosure, page 29, line 9)

Art Unit: 2132

- Figure 17, ref. Num "S62", " Compute $b_3 = f^{-1}(a_3)$ ", should be corrected as " Compute $a_3 = f^{-1}(b_3)$ " (It is explained on page 56 of the disclosure)
- Figure 21, ref. Num "S102", " Compute $b_4 = f^{-1}(a_4)$ ", should be corrected as " Compute $a_4 = f^{-1}(b_4)$ " (It is explained on page 60, line 18 of the disclosure)

Appropriate correction for both the specification and the drawing is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-5,7-8,12-13,15,19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Takenaka et al (hereinafter referred as Takenaka) (U.S. Patent No 5,917,908)

Art Unit: 2132

7. As per claim 1 and 11, Takenaka discloses a recording and /or reproducing

apparatus comprising:

- Storage means having a management area and a data area; (column 5, lines 45-54; figure 7, reference "DATA MANAGEMENT PORTION" and "DATA PORTION")
- Generating means for generating a predetermined value; (Column 1, lines 64- column 2, lines 5; column 5, lines 35-44)("a positional-information predetermined value decided or generated by the storage position deciding means is interpreted by the office as the a "predetermined value")
- Transforming means for transforming said predetermined value based on a formula which is an individual characteristic of every said recording and/or reproducing apparatus; (figure 6, ref. Num "S116"; Column 5, lines 61- column 6, lines 15) and
- Control means for controlling storage of said transformed predetermined value. (Column 4, lines 65-67)

8. As per claim 21, Takenaka discloses a method for recording and/or reproducing data

comprising the steps of:

- Generating a predetermined value; (Column 1, lines 64- column 2, lines 5; column 5, lines 35-44)("a positional-information predetermined value decided or generated by the storage position deciding means is interpreted by the office as the a "predetermined value")
- Transforming said predetermined value based on a formula which is characteristic at every recording and/or reproducing apparatus; (figure 6, ref. Num "S116"; Column 5, lines 61- column 6, lines 15) and

Art Unit: 2132

- Storing said transformed predetermined value (figure 6, ref. Num "S117")

9. As per claim 2, **Takenaka** discloses a recording and /or reproducing apparatus as applied to claim 1, above. Furthermore **Takenaka** discloses initializing means for initializing said first storage means so that said storage means has said management area and said data area, wherein said generating means generates said predetermined value when said initialization is performed. (column 5, lines 45-54; figure 7, reference "DATA MANAGEMENT PORTION" and "DATA PORTION"; Column 1, lines 64- column 2, lines 5; column 5, lines 35-44)

10. As per claim 3, **Takenaka** discloses a recording and /or reproducing apparatus as applied to claim 1, above. Furthermore **Takenaka** discloses the apparatus wherein said transforming means mapping-transforms said predetermined value. (Column 1, lines 64- column 2, lines 5; column 5, lines 35-44; figure 6, ref. Num "S116"; Column 5, lines 61- column 6, lines 15 ("a positional-information predetermined value decided or generated by the storage position deciding means is interpreted by the office as the a "predetermined value";

11. As per claim 4, **Takenaka** discloses a recording and /or reproducing apparatus as applied to claim 1, above. Furthermore **Takenaka** discloses the apparatus wherein said control means controls storage of said transformed predetermined value into said management area of said storage means. (Figure 6, ref. Num "S 116" and ref. Num "S 117")

12. As per claim 5, **Takenaka** discloses a recording and /or reproducing apparatus as applied to claim 4, above. Furthermore **Takenaka** discloses the apparatus wherein said storage means comprises first storage means and further comprising:

Art Unit: 2132

- Second storage means for storing said transformed predetermined value; (Figure 6, ref. Num "S117")

- First read-out means for reading-out said transformed predetermined value stored in said management area of said first storage means, (Figure 10)

- Inverse-transforming means for inverse-transforming said transformed predetermined value stored in said management area of said first storage means, where an inverse-transform of said inverse-transforming means corresponds to said transform performed by said transforming means, second read-out means for reading-out said transformed predetermined value stored in said second storage means, comparing means for comparing an inverse-transformed value of said inverse-transforming means with said transformed predetermined value read out from said second read-out means, and authenticating means for performing authentication based on a comparison result of said comparing means.(Figure 10, figure 11)

13. **As per claim 7**, **Takenaka** discloses a recording and /or reproducing apparatus as applied to claim 5, above. Furthermore **Takenaka** discloses the apparatus wherein said first read-out means reads out a value stored in said management area when said first storage means is accessed.(figure 11, ref. Num "S 213")

14. **As per claim 8** **Takenaka** discloses a recording and /or reproducing apparatus as applied to claim 1 above. Furthermore **Takenaka** discloses the apparatus wherein said generating means generates an address based on information from said management area, and said transforming means transforms said address. (figure 8; column 5, lines 35-45)

Art Unit: 2132

15. As per claim 12, **Takenaka** discloses a recording and /or reproducing apparatus as applied to claim 5, above. Furthermore **Takenaka** discloses the apparatus wherein read-out means for reading-out a value from said second storage means; and inverse-transforming means for inverse-transforming said read-out value, said inverse-transform corresponding to said transform performed by said transforming means, wherein said control means controls rearranging said data stored in said First storage means in said predetermined units according to said inverse-transformed value.(Figure 10)

16. As per claim 13, **Takenaka** discloses a recording and /or reproducing apparatus as applied to claim 5, above. Furthermore **Takenaka** discloses the apparatus wherein said control means controls rearranging said data in units of blocks according to said predetermined value and storing said rearranged data in said storage means. (Figure 7)

17. As per claim 15, **Takenaka** discloses a recording and /or reproducing apparatus as applied to claim 5, above. Furthermore **Takenaka** discloses the apparatus further comprising: receiving means for receiving data from an external source, wherein said storage means stores said transformed predetermined value and said control means controls rearranging said received data in processing units according to said predetermined value and storing said rearranged data in said storage means.(Figure 8)

18. As per claim 19, **Takenaka** discloses a recording and /or reproducing apparatus as applied to claim 1, above. Furthermore **Takenaka** discloses apparatus wherein said storage means is managed by a file allocation table. (figure 8)

Art Unit: 2132

19. As per claim 20, **Takenaka** discloses a recording and /or reproducing apparatus as applied to claim 1, above. Furthermore **Takenaka** discloses the apparatus wherein said storage means includes a hard disk. (figure 2, ref. Num "20")

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 6, 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Takenaka et al** (hereinafter referred as **Takenaka**) (U.S. Patent No 5,917,908) in view of **Koyata et al** (hereinafter referred to as **Koyata**) (U.S. Patent No. 6,392,964)

22. As per claims 6, **Takenaka** discloses apparatus according wherein said first read-out means reads out a value stored in said management area of said first storage means. (figure 11, ref. Num "S213")

Takenaka does not explicitly disclose when electric power is supplied to said recording and/or reproducing apparatus by a user.

However, in the same field of endeavor, **Koyata** discloses the apparatus could be controlled by the battery or electric input/power (figure 1)

Art Unit: 2132

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, the features of the recording apparatus as per teachings of Kayata in to the method of as taught by Takenaka, in order to provide the functionality to reads out data when power is provided.

23. **As per claims 9, Takenaka** discloses

- Transforming said predetermined value based on a formula which is characteristic at every recording and/or reproducing apparatus; (figure 6, ref. Num "S116"; Column 5, lines 61- column 6, lines 15) and
- Storing said transformed predetermined value (figure 6, ref. Num "S117")

Takenaka does not explicitly disclose searching means for locating an unused area of said data area of said storage means based on information retrieved from said management area of said storage means; logical-link forming means for forming a logical link from a first cluster number corresponding to said unused area, wherein said transforming means transforms said first cluster number and said control means controls storage of said transformed first cluster number and said logical link in said management area of said storage means.

However, in the same field of endeavor, Koyata discloses how data is recorded or reproduced as a cluster and also how a linking sectors are provided for forming a logical link. (column 9, lines 28-column 10, lines 54).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to combine the searching and logical-link forming method as per teachings of Kayata in to the method of as taught by Takenaka, in order to provide the functionality of store and locate unused area easily and effectively.

Art Unit: 2132

24. As per claims 10, the combination of **Takenaka** and Kayata discloses the Apparatus as applied to claim 9 above. Furthermore Kayata discloses the recording/and/or reproducing apparatus comprising: first read-out means for reading-cut said cluster number and said logical link stored in said management area of said storage means; ((column 9, lines 28-column 10, lines 54). And Takenaka discloses

Inverse-transforming means for inverse-transforming said read cluster number, said inverse-transform corresponding to the transform performed by said transforming means; and second read-out means for reading-out data from said data area of said storage means according to said logical link from a first cluster number, said first cluster number being said inverse-transformed cluster number. (figure 10)

25. Claims 14, 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takenaka et al (hereinafter referred as Takenaka) (U.S. Patent No 5,917,908) in view of Abe et al (hereinafter referred to as Abe) (U.S. Patent No. 6,134,378)

26. As per claims 14, 16-18, **Takenaka** discloses apparatus comprising read-out means for reading-out a value stored in said storage means; and inverse-transforming means for inverse-transforming said read-out value, said inverse-transform corresponding to said transform performed by said transforming means,(figure 10; figure 11)

Takenaka does not explicitly disclose said control means controls rearranging said data stored in said storage means in said processing units according to said inverse-transformed value.

However, in the same field of endeavor, Abe discloses by applying the desired editing processing, detecting means for detecting the material information added to the video

Art Unit: 2132

signal for forming the predetermined control information based on the material information and the memory means for memorizing the control information. (column 2, lines 46-57)

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to add the features of applying forming the predetermined control information as per teachings of Abe in to the method of as taught by Takenaka, in order to store data according to desired arrangement.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4: 30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAMSON LEMMA

S.L

11/26/2004


THOMAS R. PEESO
PRIMARY EXAMINER